

**JUN 12 2006**PATENT  
Docket No. 255.00010122IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s):	Lisa K. NOLAN et al.	)	Group Art Unit:	1645
		)		
Serial No.:	09/738,599	)	Examiner:	Sarvamangala J. N. Devi
Confirmation No.:	1240	)		
		)		
Filed:	15 December 2000	)		
		)		
For:	NUCLEIC ACID ENCODING AN AVIAN E. COLI ISS POLYPEPTIDE & METHODS OF USE			

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**NOTICE OF APPEAL**  
**TO THE BOARD OF PATENT APPEALS AND INTERFERENCES**

**Mail Stop AF**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
Sir:

Applicants hereby appeal to the Board of Appeals from the decision dated 13 January 2006, of the Primary Examiner rejecting claims 37-42, 67, 68, and 70-73 and objecting to claims 44 and 45 of the above-identified application under 37 C.F.R. §§1.113 and 1.191. The pending claims are claims 30-33, 37-42, 44-45, and 67-70 of which claims 30-33 and 69 are allowed and claims 37-42, 67-68, and 70 stand rejected. Claims 35-36, 46-66, and 71-73 were canceled in the Amendment submitted June 8, 2006. Please charge Deposit Account No. 13-4895 in the amount of \$250.00 to cover the Notice of Appeal fee.

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## Notice of Appeal to the Board of Patent Appeals and Interferences

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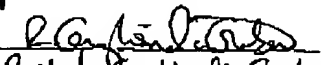
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A two-month extension of time with authorization to charge Deposit Account No. 13-4895 was filed on 8 June 2006 in order to respond to the final rejection. Applicants believe that no fee is due at this time. However, if the Examiner believes a fee is necessary, please charge any additional fees or credit any over-payment to PTO Deposit Account No. 13-4895.

## CERTIFICATE UNDER 37 C.F.R. 1.8:

The undersigned hereby certifies that this paper is being transmitted by facsimile in accordance with 37 CFR §1.6(d) to the Patent and Trademark Office, addressed to Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 12th day of June, 2006, at 3:43 p.m. (Central Time).

Signature: Name: Rachel Engelhardt Gebhardt

Respectfully submitted

By

Mueeting, Raasch &amp; Gebhardt, P.A.

P.O. Box 581415

Minneapolis, MN 55458-1415

Phone: (612)305-1220

Facsimile: (612)305-1228

Customer Number 26813

Date

June 12, 2006By: 

David L. Provence

Reg. No. 43,022

Direct Dial (612)305-1005